

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
INTELSAT LLC)	
)	File No. SAT-MOD-20030131-00029
Modification of Authorization to Operate, and to)	Call Sign: S2396
Further Construct, Launch and Operate C-band)	
and Ku-band Satellites that Form a Global)	
Communications System in Geostationary)	
Satellite Orbit)	

ORDER AND AUTHORIZATION

Adopted: August 11, 2003

Released: August 12, 2003

By the Chief, Satellite Division, International Bureau:

INTRODUCTION

1. By this *Order*, we authorize Intelsat LLC (Intelsat) to modify its license for the INTELSAT 709 satellite and operate the satellite at the 85.15° E.L. orbital location,¹ subject to conditions listed below. We find that the grant of this modification application will serve the public interest by enabling Intelsat to respond to growing customer demands.

BACKGROUND

2. On August 8, 2001, the Commission granted Intelsat authority to operate 17 in-orbit C-band and Ku-band satellites then-owned and operated by the International Telecommunications Satellite Organization (INTELSAT).² The Commission also granted Intelsat authority to construct, launch, and operate 10 satellites planned by INTELSAT.

3. Intelsat was originally licensed to operate the INTELSAT 709 satellite in the C-band and Ku-band at the 50.0° W.L. orbital location.³ Pursuant to a previous modification authorization, Intelsat

¹ We note that Intelsat was originally licensed to operate at the 85.0° E.L. orbital location. However today we authorize Intelsat to locate the INTELSAT 709 satellite at 85.15° E.L. rather than 85.0° E.L. due to coordination issues with adjacent foreign satellites.

² See *Intelsat LLC Application of Intelsat LLC for Authority to Operate, and to Further Construct, Launch, and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit*, Memorandum Opinion Order and Authorization, 15 FCC Rcd 15460, *recon. denied*, 15 FCC Rcd 25234 (2000), *further proceedings*, 16 FCC Rcd 12280 (2001) (*Intelsat LLC Orders*). Intelsat LLC is a U.S. corporation created by INTELSAT for the purpose of owning and operating INTELSAT’s C-band and Ku-band satellites upon INTELSAT’s privatization. INTELSAT privatized on July 18, 2001. For the INTELSAT 709 satellite, the term “C-band” refers here to the 3700 - 4200 MHz and 5925 - 6425 MHz frequency bands; the term “Ku-band” refers to the 10.95 - 11.2 GHz, 11.45 – 11.7 GHz, 12.5 – 12.75 GHz and 14.0 - 14.5 GHz frequency bands.

³ See *Intelsat LLC Orders* at Appendix A, Table 1.

was granted authority to relocate the INTELSAT 709 satellite from 50.0° W.L. to 55.35° W.L. and to continue operating at that location.⁴ On January 31, 2003, Intelsat filed a subsequent request to modify the license for the INTELSAT 709 satellite. Intelsat requested authority to relocate the INTELSAT 709 satellite from the 55.35° W.L. orbital location to the 85.15° E.L orbital location and to operate at that location.⁵ This application was placed on public notice on March 18, 2003.⁶ No comments or oppositions were filed in response to Intelsat's request. On May 15, 2003, Intelsat was granted Special Temporary Authority ("STA") to drift the INTELSAT 709 satellite from 55.35° W.L. to 85.15° E.L.⁷ Intelsat currently continues to drift the INTELSAT 709 satellite to the 85.15° E.L. orbital location.⁸ For the reasons discussed below, we grant Intelsat's request to modify the license for the INTELSAT 709 satellite and authorize Intelsat to operate the satellite at the 85.15° E.L. location, subject to conditions listed below.

DISCUSSION

4. In its modification application, Intelsat states that the Commission has traditionally permitted licensees to relocate satellites in order to provide the licensees the flexibility to adjust to changed circumstances and best serve customer needs, provided that there are no compelling countervailing public interest considerations.⁹ Intelsat further argues that the proposed modification will serve the public interest by enabling Intelsat to respond to growing customer needs, as well as ensure continuity of service to existing customers.¹⁰

5. We also note that it is Commission policy to accommodate licensees by granting requests to rearrange satellites among orbit locations assigned to that licensee when the relocation will not cause unacceptable interference to adjacent satellites.¹¹ Intelsat admits that Russia's Statsionar-3 satellite currently also operates in the C-band, specifically in the 3400 MHz – 3900 MHz and 5725 MHz – 6225 MHz frequency bands.¹² Consequently, some of the frequencies that Intelsat proposes to operate the INTELSAT 709 satellite on in the C-band, overlap with those utilized by the Statsionar-3 satellite. The

⁴ *Application of Intelsat LLC to Modify Authorization to Operate, and to Further Construct, Launch, and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit*, File No. SAT-MOD-20020418-00065 (Filed April 18, 2003) (stamp grant from Jennifer Gilsenan, Chief, Policy Branch, provided on October 2, 2002, with attached conditions).

⁵ *Application of Intelsat LLC to Modify Authorization to Operate, and to Further Construct, Launch, and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit*, File No. SAT-MOD-20030131-00029 (January 31, 2003) ("Intelsat Modification Application").

⁶ See Public Notice, Report No. SAT-00140 (rel. March 18, 2003).

⁷ See *Request for Special Temporary Authority for INTELSAT 709*, File No. SAT-STA- 20030507-00087, (stamp grant from Jennifer Gilsenan, Chief, Policy Branch to Jennifer Hindin, Counsel for Intelsat LLC, Wiley, Rein & Fielding LLP, provided on May 15, 2003, with conditions).

⁸ See *Request for Extension of Special Temporary Authority for INTELSAT 709*, File No. SAT-STA-20030611-00102 (stamp grant from Jennifer Gilsenan, Chief, Policy Branch to Jennifer Hindin, Counsel for Intelsat LLC, Wiley, Rein & Fielding LLP, provided on June 17, 2003, with conditions).

⁹ Intelsat Modification Application at 4, *citing AMSC Subsidiary Corporation*, 13 FCC Rcd 12316, 12318 (1998) (Order and Authorization).

¹⁰ Intelsat Modification Application at 4.

¹¹ See *Comsat General Corporation, Modification of Authorization to Operate Space Station in the Mobile Satellite Service*, Order and Authorization, 15 FCC Rcd 18776 (Int'l Bur., Sat, and Rad. Div., 2000).

¹² See Letter from Patrick J. Cerra, Vice President, Intelsat LLC, to Marlene H. Dortch, Secretary, FCC (dated July 18, 2003) (Intelsat Modification Application Supplement). Russia's Statsionar-3 satellite does not operate in the Ku-band.

overlapping C-band frequencies are 3700 MHz – 3900 MHz (downlink) and 5925 MHz – 6225 MHz (uplink).¹³ Both the Russian satellite operator and Intelsat are in continuing negotiations to complete this coordination. In order to ensure that the operations of the INTELSAT 709 satellite do not cause unacceptable interference into the overlapping C-band operations of the Statsionar-3 satellite, until the coordination agreement is completed, Intelsat agrees to operate the INTELSAT 709 satellite at 85.15° E.L. under the following conditions, which have been proposed by the Russian satellite operator:¹⁴

- In the uplink, (5925 MHz-6225 MHz) using Right-Hand Circular Polarization (“RHCP”) only, subject to a maximum Equivalent Isotropic Radiated Power (“E.I.R.P.”) spectral density level of - 12.7 dBW/Hz, referenced to the peak of the Statsionar-3 receive beam.¹⁵
- In the downlink (3700 MHz-3900 MHz), using the Left-Hand Circular Polarization (“LHCP”) only, subject to a maximum E.I.R.P. spectral density level of - 58.4 dBW/Hz.¹⁶

We conclude that the operation of the overlapping frequencies on the C-band transponders of the INTELSAT 709 satellite at 85.15° E.L., with the operational parameters provided by Intelsat, will not cause unacceptable interference to Russia’s Statsionar-3 satellite. We also note here that these conditions will not apply to Intelsat’s operations in the non-overlapping C-band frequencies, with Russia’s Statsionar-3 satellite, i.e. 3900 MHz – 4200 MHz (downlink) and 6225 MHz – 6425 MHz (uplink) and the Ku-band frequencies on the INTELSAT 709 satellite.¹⁷

6. With respect to the Ku-band, we authorize Intelsat to operate the INTELSAT 709 satellite in the 10.95 GHz – 11.2 GHz, 11.45 GHz – 11.7 GHz, 12.5 GHz – 12.75 GHz and 14.0 GHz– 14.5 GHz frequency bands. We note that the Ku-band transponder on the INTELSAT 709 satellite also includes the 11.7 GHz – 11.95 GHz frequency band. Since this band is not allocated to FSS in ITU Regions 1 and 3,¹⁸ we do not authorize Intelsat to operate the INTELSAT 709 satellite at the 85.15° E.L. location in the 11.7 GHz – 11.95 GHz frequency band.

¹³ Intelsat seeks authorization to operate the INTELSAT 709 satellite in the C-band. The C-band included the overlapping frequencies, 3700 MHz – 3900 MHz (downlink) and 5925 MHz – 6225 MHz (uplink), as well as non-overlapping frequencies, 3900 MHz – 4200 MHz (downlink) and 6225 MHz – 6425 MHz (uplink).

¹⁴ See Intelsat Modification Application Supplement at 1.

¹⁵ See *Id.*

¹⁶ See *Id.*

¹⁷ In granting this authorization, we recognize that Intelsat has not had a satellite operating at the 85° E.L. orbit location since it moved its INTELSAT 705 satellite from this location on January 23, 2002. Section 25.161(c) of the Commission’s rules states that a station authorization shall be automatically terminated when a facility is removed and renders the station not operational for more than 90 days. 47 C.F.R. §25.161(c). Because Intelsat’s authorization did not, however, require it to place a satellite at 85° E.L. until August 31, 2003, and Intelsat is not claiming that it met this requirement with the INTELSAT 705 satellite, we find that Section 25.161 (c) does not apply here. Moreover, Intelsat’s authorization noted that if Intelsat does not operate a satellite at the 85° E.L. location in accordance with International Telecommunication Union (ITU) procedures, the location would revert to the ITU and would not be reassigned to another U.S. licensee. Intelsat has met all ITU requirements.

¹⁸ Article 5 ITU Radio Regulations (2001).

ORDERING CLAUSES

7. Accordingly, IT IS ORDERED that, Intelsat's request to modify the license for the INTELSAT 709 satellite to relocate the satellite to the 85.15° E.L. location and to operate at that location, File No. SAT-MOD-20030131-00029 IS GRANTED, subject to the conditions below.

8. Intelsat is authorized to operate the INTELSAT 709 satellite in the C-band frequencies, 3700 MHz – 3900 MHz and 5925 MHz – 6225 MHz at the 85.15° E.L. orbital location subject to the following conditions:

- a) Intelsat shall operate in the uplink (5925 MHz-6225 MHz) using RHCP only, subject to a maximum E.I.R.P. spectral density level of - 12.7 dBW/Hz, referenced to the peak of the Stationar-3 receive beam.
- b) Intelsat shall operate in the downlink (3700 MHz-3900 MHz), using LHCP only, subject to a maximum E.I.R.P. spectral density level of - 58.4 dBW/Hz.
- c) In the event that the United States and Russia agree to improve these conditions, the above conditions shall no longer be valid and Intelsat will conduct its overlapping C-band operations at the 85.15° E.L. location in accordance with the improved conditions.

9. IT IS FURTHER ORDERED that Intelsat LLC is authorized to operate the 10.95 GHz – 11.2 GHz, 11.45 GHz – 11.7 GHz, 12.5 GHz – 12.75 GHz and 14.0 GHz– 14.5 GHz frequency bands on the Ku-band transponders and the non-overlapping frequencies, 3900 MHz – 4200 MHz (downlink) and 6225 MHz – 6425 MHz (uplink), on the C-band transponders on the INTELSAT 709 satellite subject to the same terms and conditions set forth in the *INTELSAT LLC Orders*, 15 FCC Rcd 15460, *recon. denied*, 15 FCC Rcd 25234 (2000), *further proceedings*, 16 FCC Rcd 12280 (2001).

10. IT IS FURTHER ORDERED that Intelsat LLC will prepare any necessary submissions to the International Telecommunication Union (ITU) and to affected administrations for the completion of the appropriate coordination and notification obligations for these space stations in accordance with the ITU Radio Regulations. We also remind all licensees that no protection from interference caused by radio stations authorized by other Administrations is guaranteed unless coordination procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other Administrations, 47 C.F.R. § 25.111(b).

11. IT IS FURTHER ORDERED that Intelsat LLC is afforded 30 days from the date of the release of this order and authorization to decline this authorization as conditioned. Failure to respond within that period will constitute formal acceptance of the authorization as conditioned.

12. This Order is issued pursuant to Section 0.261 of the Commission's Rules, 47 C.F.R. §0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106 and 1.115, may be filed within 30 days of the date of public notice of this Order (*see* 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz
Chief
Satellite Division